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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,050

12/15/2003

Larry Fuller

14575.01

4033

7590

04/25/2005

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EXAMINER

MULLEN, THOMAS J

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/736,050

**Applicant(s)**

FULLER, LARRY

**Examiner**

Thomas J. Mullen, Jr.

**Art Unit**

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7, 16 and 19 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 6, 8-15, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 2632

1. The disclosure is objected to because of the following informalities: on the Abstract page, "Theinvention" (line 6) should be --The invention--; page 4, line 15, after "switch" should be inserted --36-- (note that this is the first reference to the "switch" in the Detailed Description); page 5, line 11, it appears that after "switch" should likewise be inserted --36--; and page 6, line 2, "and or" should be --and/or--.

Appropriate correction is required.

2. Claims 4-6 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 5, "an visual" should be --a visual--.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7, 16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Holland (US 4154015).

Note in Holland, fishing rod holder 11, which is "tubular" and thus forms a "hollow structure open on at least one end" (see Figs. 1-2); fishing rod handle 12; securing means (40, 41, 43, etc) for securing the hollow structure 11 to a "surface" (e.g. to a portion of a boat--see Fig. 1 and col. 1, lines 47-49); "switch" (comprising "contact" (31,32) and "contact" 33--see col. 2, lines 42-49 and col. 3, lines 54-57) mounted within the hollow structure 11; alarm ("buzzer (25) and/or light (38)"--see col. 1, lines 41-43 and col. 2, lines 59-62) mounted on the hollow structure 11 and producing an "audio signal" (25) and a "visual signal" (38) responsive to closure of the switch (31,32,33); and a "flexible member" 13 mounted within the hollow structure 11 (Figs. 1-2) which is depressed in response to movement of the rod handle 12 (due to a fish strike), and when depressed presses the switch (i.e., presses contact (31,32) towards contact 33) to close the alarm circuit.

Art Unit: 2632

Regarding claim 16, the securing means includes clamp 43 (see Fig. 1 and col. 3, lines 1-2).

5. Claims 2-3, 5-6, 8-15 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

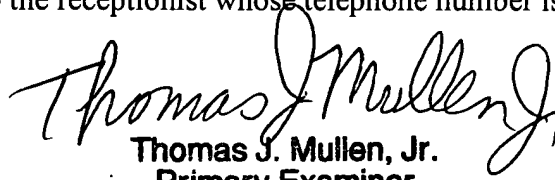
Willhite (US 4506468), Hansen (US 3012354) and Jennings (US 3646697) disclose structural arrangements for a rod holder, switch and alarm(s) which are similar in one or more respects to that of Holland. Roberts (US 4807384), Melcher (US 4510709), Harvey (US 4616437), Boynton (US 4209930) and Watford et al (US 6341443) disclose signalling means for fishing apparatus with means to select among multiple signalling devices.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM

  
Thomas J. Mullen, Jr.  
Primary Examiner  
Art Unit 2632